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# STATE OF COLORADO

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Colorado Department  
of Public Health  
and Environment

December 17, 2003

Mr. Chuck Stilwell  
ARCO Environmental Remediation  
307 East Park Street, Suite 400  
Anaconda, Montana 59711

## Re: Water Quality Assessment and Sampling and Analysis Plan Revisions

Dear Mr. Stilwell:

Atlantic Richfield Company (ARCO) has requested that the Water Quality Control Division (Division) provide a letter reiterating verbal agreements concerning approaches to be used in revisions to the water quality assessment (WQA) and procedures set forth in the Revised Sampling and Analysis Plan for Surface Water Quality Monitoring (Revised SAP) submitted by SEH Consultants on behalf of ARCO. This letter serves to set forth the agreements forged during previous conferences and meetings, as well as to ensure ARCO that its Revised SAP will generate useful data to support future WQA revisions.

The specific summary of agreements is set forth commensurate with the agenda topics of discussion as contained in the October 27, 2003, Rico, Colorado WQA and SAP meeting agenda.

### Water Quality Assessment

- 1) WQA methodology: ARCO and the Division have agreed to revise the water quality assessment to incorporate new data and to revise the WQA analysis to reflect contributions at times of in-stream low flows. Additionally, the Division has agreed to revise the WQA to reflect the contributions to the Dolores River from Silver Creek, various wetlands and the side channel. Use of regression analyses was discussed as the most appropriate methodology.
- 2) Schedule of WQA, and other relevant actions: ARCO and the Division have agreed to revise the WQA prior to the next in-depth technical meeting and again after the collection of additional data pursuant to the Revised SAP.

- 3) **Use of New Data in WQA:** ARCO and the Division have agreed that older data are not accurate in some cases and should be excluded; therefore, ARCO and the Division will examine each set of data and a consistent approach to inclusion or exclusion of data will ultimately be decided during a future in-depth technical meeting. Because exclusion of older data resulted in limited data being used in the WQA, ARCO and the Division believe that the new data collected as part of the Revised SAP may have a significant affect on the WQA analysis.
- 4) **Silver Creek:** ARCO and the Division have agreed to evaluate the impacts of Silver Creek at the mouth, immediately prior to its confluence with the Dolores River. This information will be used in the revision to the WQA. Note that this approach will assume no control of point source discharges to Silver Creek and protection, solely, of the Dolores River. The Division has agreed to this change in methodology because there are currently no entities agreeing to assume responsibility for controlling the point source discharges to Silver Creek and no guarantees that point source controls will be in place for the protection of Silver Creek in the near future. Thus, until such time as point source contributions to Silver Creek are controlled, using the actual contributions by Silver Creek is one measure of added protection for the Dolores River.

However, should an entity come forth or be designated the responsibility of controlling point sources to Silver Creek, the Division must also be prepared. Therefore, agreeing to evaluate the impacts of Silver Creek at the mouth does not preclude the Division from also completing WQA analyses consistent with current procedures, which involve evaluating all nearby point sources with the potential to impact assimilative capacities and calculating the assimilative capacities for each point source as necessary to protect water quality in Silver Creek.

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- 5) **Low flows:** ARCO and the Division have agreed to evaluate all data sets based on their correlation to the in-stream low flow. A regression analysis was discussed as being the most effective method of analysis.
  - 6) **Wetlands/subsurface drainage:** ARCO and the Division have agreed to evaluate the impacts of the various wetlands and the side channel, immediately prior to their confluence with the Dolores River. However, ARCO and the Division have not reached a complete agreement concerning how wetlands data are to be handled and subsurface drainage is to be evaluated, and expects further discussion of such during future technical meetings.

Note that this approach will assume no control of point source discharges to the various wetlands and the side channel, and protection, solely, of the Dolores River. The Division has agreed to this change in methodology for added protection for the Dolores River commensurate with the discussion under Silver Creek above, and with all caveats hereto applicable.

- 7) Anti-degradation: ARCO and the Division have agreed to use existing permit limits from the previous, now expired permit, when establishing the existing loads used in the antidegradation review. Additionally, implicit limits may be established, where applicable, using the rationale supporting the previous expired permit. ARCO and the Division also agree that antidegradation analyses will follow current procedures. And, ARCO understands that while the antidegradation review may result in the determination of ADBACs for all pollutants evaluated, the calculated ADBACs may not be applied in a permit if later determinations completed as part of permit development do not require the inclusion of such.

#### Sampling and Analysis Plan

- 1) Sampling locations on Silver Creek: ARCO and the Division agree that the Revised SAP locations on Silver Creek meet the needs of the Division.
- 2) Wetlands, subsurface drainage, and on-site evaporation measurements: ARCO and the Division have not reached a complete agreement concerning how wetlands data are to be handled. However, ARCO and the Division agree that the Revised SAP need not include on-site evaporation measurements until issues regarding such are resolved.
- 3) Downstream sampling station (USGS gage): ARCO and the Division agree that downstream sampling at the USGS gage station can be discontinued in the future if definitive data support such. Discontinuation of such sampling will be made based on a consensus between the Division and ARCO.
- 4) Mercury sampling: ARCO and the Division agree that mercury sampling and analysis at low levels can be discontinued in the future if definitive data support such. Discontinuation of such sampling and analysis will be made based on a consensus between the Division and ARCO.
- 5) Sampling schedule and frequency: ARCO and the Division agree that an expedited schedule of sampling, such as 1/week over a month long period, would meet the needs of rapid data compilation. Therefore, the Revised SAP meets the needs of the Division. Note that the Division understands that ARCO must discuss the expedited sampling schedule internally before implementation, and the Division expects a follow up letter from ARCO concerning such.
- 6) Analyte list and sample locations: ARCO and the Division agree that a reduction to the list of analytes can be accomplished if definitive data support such. Discontinuation of such sampling and analysis will be made based on a consensus between the Division and ARCO.

If you have any questions, please call me at 303-692-3510.

Sincerely,



Susan Robinette  
Permits Unit Manager  
Water Quality Control Division

Cc: Dave Akers, WQCD  
Tony Trumbly, Office of the Attorney General  
Mark Walker, HMWMD  
Sheldon Muller, U.S. EPA Region VIII (w/copy for Bruce Kent, Carol Russell, and  
Kathy Hernandez)  
Bill Kelly, SEH Consultants, Inc.  
Eric Heil, Town of Rico